MT LEGISLATIVE HISTORY

Chapter 366 1975

Bill H _____ S 334 Original bill & hist. ✓ C

H. Committee on State Administration			S. Committee on State Administration		
Hearing Date(s)	Mar 08	✓ C	Hearing Date(s)	Feb 24	✓ C
		C		Feb 25	✓ C
		C			C
		C			C
Date Out	Mar 08	✓ C		Feb 25	✓ C

Did this bill originate in an interim committee? ___ Yes ___ No

Committee _____ Report _____

Senate BILL NO. 334

INTRODUCED BY Dunkle Regent of Dept of Lic.
Healy

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND UPDATE LAWS RELATING TO PROFESSIONAL ENGINEERS AND LAND SURVEYORS; AMENDING SECTION 82A-1602.11, R.C.M. 1947; RENUMBERING SECTIONS 66-2329, 66-2331, 66-2332, 66-2333, 66-2334, 66-2335, 66-2337, 66-2340, 66-2344, 66-2346, R.C.M. 1947; AND REPEALING SECTIONS 66-2326, 66-2336, 66-2338, 66-2339, 66-2342, 66-2343, 66-2345, and 66-2347, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 82A-1602.11, R.C.M. 1947, is amended to read as follows:

"82A-1602.11. Board of professional engineers and land surveyors -- appointment -- qualifications -- removal -- term. (1) There is a board of professional engineers and land surveyors.

(2) The board consists of seven (7) members appointed by the governor. The members are:

(a) Five (5) professional engineers who have been engaged in the practice of engineering for at least twelve (12) years, and who have been in responsible charge of engineering teaching or important engineering work for at least five (5) years, ~~or responsible charge of engineering~~

~~teaching~~ and registered in Montana for at least five (5) years. No more than two (2) of these members may be from the same branch of engineering.

(b) Two (2) registered and practicing land surveyors who have been engaged in the practice of land surveying for at least twelve (12) years, and who have been in responsible charge of land surveying or important land surveying work for at least five (5) years, and registered in Montana for at least five (5) years.

(3) Each member shall be a citizen of the United States, and a resident of this state. ~~Each--newly--appointed member-shall-have-qualifications-similar-to-the-member-whose term--has--expired.~~ A member ~~may-not-serve-more-than~~, after serving two (2) consecutive terms shall not be reappointed for a period of two (2) years.

(4) Each member shall serve for a term of five (5) years. The governor may remove a member for misconduct, incompetency, neglect of duty, or for any other sufficient cause."

Section 2. There is a new R.C.M. section numbered 66-2350 that reads as follows:

66-2350. Definitions. As used in this act:

(1) "Professional engineer" means a person who, by reason of his special knowledge and use of the mathematical, physical, and engineering sciences, and the principles and

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methods of engineering analysis and design, acquired by engineering education and engineering experience, is qualified to practice engineering, and who has been duly registered and licensed as a professional engineer by the board.

(2) "Engineer-in-training" means a person who complies with the requirements for education, experience, and character, and has passed an examination in the fundamental engineering subjects, as provided in this act.

(3) "Practice of engineering" means any service or creative work, as consultation, investigation, evaluation, and planning and design of engineering works requiring knowledge of the mathematical, physical, and engineering sciences. This service or work, either public or private, includes: (a) engineering performed in connection with city, county, regional, and state planning and planning for land and water use; (b) teaching of engineering subjects; (c) engineering surveys and inspection of construction for the purpose of assuring compliance with drawings and specifications; (d) design of work systems, projects, utilities, structures, buildings, machines, equipment processes, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature; and including other professional services necessary to the planning, progress, and completion of any

engineering services.

(4) "Land surveyor" means a person who (a) has been duly registered and licensed as a land surveyor by the board and (b) is a professional specialist in the technique of measuring land, educated in the basic principles of mathematics, related physical and applied sciences, and relevant requirements of law for adequate evidence and all requisite to the surveying of real property and engaged in the practice of land surveying as herein defined.

(5) "Land surveyor-in-training" means a person who has qualified for, taken, and passed an examination on the basic disciplines of land surveying as provided in this act.

(6) "Practice of land surveying" means any service or work, the adequate performance of which requires the application of knowledge of the principles of mathematics, physical sciences, applied sciences and (a) the principles of property boundary law to the recovery and preservation of evidence pertaining to earlier land surveys; (b) teaching of land surveying subjects; (c) measurement and allocation of lines, angles, and elevations; (d) location of natural and man-made features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water, including such work for the determination of areas and volumes; (e) monumenting of property boundaries; (f) platting and layout of lands and the subdivisions thereof,

including the alignment and grades of streets and roads therein; and (g) preparation and perpetuation of maps, plats, field note records, and property descriptions.

(7) "Board" means the board of professional engineers and land surveyors.

(8) "Department" means the department of professional and occupational licensing.

(9) "Responsible charge" means direct control and personal supervision, either of engineering work or of land surveying, as the case may be. Only professional engineers or land surveyors may legally assume responsible charge under this act.

Section 3. Section 66-2329 is renumbered 66-2351, section 66-2331 is renumbered 66-2352, section 66-2332 is renumbered 66-2353, section 66-2333 is renumbered 66-2354, and section 66-2334 is renumbered 66-2355.

Section 4. Section 66-2335, R.C.M. 1947, is renumbered 66-2356, and is amended to read as follows:

"~~66-2335~~ 66-2356. Roster. A roster showing the names and ~~places of business~~ addresses of registered professional engineers and registered land surveyors shall be published by the department during the month of April each year. Copies of this roster shall be mailed to each person registered, placed on file with the secretary of state, the clerk of each incorporated city and town and in the office

of each county clerk and recorder within the state, and furnished to the public on request."

Section 5. There is a new R.C.M. section numbered 66-2357 that reads as follows:

66-2357. Requirements for registration. The requirements for engineering and land surveying registration are:

(1) Engineering. To be eligible for admission to examination for professional engineer or engineer-in-training, an applicant must be of good character and reputation and submit five (5) references with his application for registration as a professional engineer, three (3) references shall be professional engineers with personal knowledge of his engineering experience, or in the case of an application for certification as an engineer-in-training, by three (3) character references.

The following is considered minimum evidence satisfactory to the board that the applicant is qualified for registration as a professional engineer, or for certification as an engineer-in-training respectively.

(a) As a professional engineer:

(i) Registration by endorsement. A person holding a certificate of registration to engage in the practice of engineering, issued to him by a proper authority of a state, territory, or possession of the United States, the District

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of Columbia, or any foreign country, based on requirements that do not conflict with the provision of the act and were of a standard not lower than that specified in the applicable registration act in effect in this state at the time the certificate was issued, may, upon application, be registered without further examination.

A person holding a certificate of qualification issued by the committee on national engineering certification of the national council of engineering examiners, whose qualifications meet the requirements of this act, may upon application, be registered without further examination.

(ii) Engineering -- graduation -- experience -- examination. A graduate of an engineering curriculum of four (4) years or more approved by the board as being of satisfactory standing, and with a specific record of an additional four (4) years or more of progressive experience on engineering projects of a grade and character which indicates to the board that the applicant may be competent to practice engineering, shall be admitted to an eight-hour written examination in the fundamentals of engineering, and an eight-hour written examination in the principles and practices of engineering. Upon passing such examinations, the applicant shall be granted a certificate of registration to practice engineering in this state, provided he is otherwise qualified.

(iii) Engineering-related graduation -- experience -- examination. A graduate of an engineering or related science curriculum of four (4) years or more, other than the ones approved by the board as being of satisfactory standing and with a specific record of eight (8) years or more of progressive experience on engineering projects of a grade and character which indicates to the board that the applicant may be competent to practice engineering, may be admitted to an eight-hour written examination in the fundamentals of engineering, and an eight-hour written examination in the principles and practices of engineering. Upon passing such examinations, the applicant shall be granted a certificate of registration to practice engineering in this state, provided he is otherwise qualified.

(iv) Long established practice. A graduate of an engineering or related science curriculum of four (4) years or more, with a specific record of twenty (20) years or more of progressive experience on engineering projects of which at least ten (10) years have been in charge of important engineering projects, and of a grade and character which indicates to the board that the applicant may be competent to practice engineering, shall be admitted to an eight-hour written examination in the principles and practices of engineering. Upon passing such examination, the applicant

shall be granted a certificate of registration to practice engineering in this state, provided he is otherwise qualified.

(v) Temporary qualifications. A specific record of eight (8) years or more experience in engineering work of a character satisfactory to the board, and successfully passing a written or written and oral examination designated to show that the applicant is competent to practice engineering. This requirement will automatically expire four (4) years from the effective date of this act.

(vi) Engineering teaching in a college or university offering an approved engineering curriculum of four (4) years or more, may be considered as engineering experience in these requirements provided research, product development, or consulting has been a concurrent activity.

(b) As an engineer-in-training. The following shall be considered as minimum evidence that the applicant is qualified for certification as an engineer-in-training:

(i) Graduation and examination. A graduate of an engineering curriculum of four (4) years or more, approved by the board as being of satisfactory standing, shall be admitted to an eight-hour written examination in the fundamentals of engineering. Upon passing such examination, the applicant shall be certified or enrolled as an engineer-in-training if he is otherwise qualified.

(ii) Graduation -- experience -- examination. A graduate of an engineering or related science curriculum of four (4) years or more, other than the ones approved by the board as being satisfactory standing, and with a specific record of four (4) or more years of progressive experience on engineering projects of a grade and character, satisfactory to the board, shall be admitted to an eight-hour written examination in the fundamentals of engineering. Upon passing such examination, the applicant shall be certified or enrolled as an engineer-in-training, if he is otherwise qualified.

(2) Land surveying. To be eligible for admission to examination for land surveyor or land surveyor-in-training, an applicant must be of good character and reputation and shall submit five (5) references with his application for registration as a land surveyor, three (3) of which references shall be registered land surveyors having personal knowledge of his land surveying experience; or in the case of an application for certification as a land surveyor-in-training, by three (3) references, one of whom shall be a registered land surveyor having personal knowledge of the applicant's land surveying experience.

The evaluation of a land surveyor applicant's qualifications involves a consideration of his education, technical, and land surveying experience, exhibits of land

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1 surveying projects of which he has been in charge,
2 recommendations by references, and a reviewing of these
3 categories. An interview may be held at the board's
4 discretion. Educational credit for institute courses,
5 correspondence courses, etc., shall be determined by the
6 board.
7 One of the following shall be considered as minimum
8 evidence to the board that the applicant is qualified for
9 registration as a land surveyor, or for certification as a
10 land surveyor-in-training, respectively.
11 (a) As a land surveyor:
12 (i) Graduation -- experience -- examination. Have a
13 bachelor of science degree in an approved curriculum and
14 present evidence satisfactory to the board that, in addition
15 thereto, he has had at least four (4) years of combined
16 office and field experience in land surveying with a minimum
17 of three (3) years of experience in charge of land surveying
18 projects under the supervision of a registered land surveyor
19 and who has passed the examinations as required by the
20 board.
21 (ii) Formal education -- experience -- examination.
22 Two (2) years of formal education in an approved curriculum
23 above high school level with at least ninety (90) quarter
24 credit hours passed, or equivalent semester hours, or the
25 equivalent approved by the board, and present evidence

1 satisfactory to the board that in addition thereto, he has
2 had at least six (6) years of combined office and field
3 experience in land surveying with a minimum of four (4)
4 years of experience in charge of land surveying projects
5 under the supervision of a registered land surveyor and who
6 has passed the examinations as required by the board.
7 (iii) Registration by comity or endorsement. A person
8 holding a certificate of registration to engage in the
9 practice of land surveying issued or comparable
10 qualifications from a state, territory, or possession of the
11 United States, will be given comity consideration. However,
12 he may be asked to take such examinations as the board deems
13 necessary to determine his qualifications, but in any event,
14 he shall be required to pass a written examination of not
15 less than eight-hours duration, which shall include
16 questions on laws, procedures, and practices pertaining to
17 the practice of land surveying in this state.
18 (iv) Temporary qualifications. A specific record of
19 six (6) years or more experience in land surveying work of a
20 character satisfactory to the board and indicating that the
21 applicant is competent to practice land surveying, and
22 successfully passing a written, or written and oral
23 examination in land surveying prescribed by the board. This
24 requirement will automatically expire two (2) years from the
25 effective date of this act.

(b) As a land surveyor-in-training:

(i) Graduation -- experience -- examination. Have a bachelor of science degree in an approved curriculum and present evidence satisfactory to the board that he has had, in addition thereto, at least two (2) years of combined office and field experience in land surveying with a minimum of one (1) year in charge of land surveying projects under the supervision of a land surveyor, and who has passed the written examinations required by the board.

(ii) Formal education -- experience -- examination. Have at least two (2) years of formal education in an approved curriculum above high school level with at least ninety (90) quarter credit hours passed, or equivalent semester hours or the equivalent approved by the board, and present evidence satisfactory to the board that in addition thereto, he has had at least four (4) years of combined office and field experience in land surveying with a minimum of two (2) years in charge of land surveying projects under the supervision of a land surveyor, and who has passed the written examinations required by the board.

Section 6. Section 66-2337 is renumbered 66-2358.

Section 7. There is a new R.C.M. section numbered 66-2359 that reads as follows:

66-2359. Examinations. Examination requirements are as follows:

(1) The examinations shall be held at times and places as the board directs. The board shall determine the acceptable grade on examinations.

(2) Written examinations may be taken only after the applicant has met the other minimum requirements as given in section 66-2357 and has been approved by the board for admission to the examinations as follows:

(a) Engineering fundamentals. Consists of an eight-hour examination on the fundamentals of engineering. Passing the examination qualifies the examinee for an engineer-in-training certificate, provided he has met all other requirements for certification required by this act.

(b) Principles -- practice of engineering. Consists of an eight-hour examination on applied engineering. Passing this examination qualifies the examinee for registration as a professional engineer, provided he has met the other requirements for registration required by this act.

(c) Land surveyor-in-training. Consists of two (2) four-hour examinations designated as parts I and II, on the basic disciplines of land surveying. Passing these examinations qualifies the examinee for a land surveyor-in-training certificate, provided he has met all other requirements for certificates required by this act.

(d) Land surveyor. Consists of being a land

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surveyor-in-training and of two (2) four-hour examinations designated as parts III and IV, on the applied disciplines of land surveying. Passing these examinations qualifies the examinee for registration as a land surveyor, provided he has met the other requirements for registration required by this act.

(3) A candidate failing one examination may apply for reexamination, which may be granted upon payment of a fee established by the board. Before readmission to the examination in the event of a second failure, the examinee must appear before the board with evidence of having acquired the necessary additional knowledge to qualify.

Section 8. There is a new R.C.M. section numbered 66-2360 that reads as follows:

66-2360. Certificates of registration. (1) The department shall issue to any applicant, who, in the opinion of the board, has met the requirements of this act, a certificate of registration giving the registrant proper authority to practice his profession and to assume responsible charge of engineering or land surveying projects in this state. The certificate of registration for a professional engineer shall carry the designation "professional engineer", and for a land surveyor, "land surveyor". It shall give the full name of the registrant with his serial number and shall be signed by the chairman

and the secretary under the seal of the board.

(2) This certificate shall be prima facie evidence that the person named thereon is entitled to all rights, privileges, and responsibilities of a professional engineer or land surveyor, while the said certificate of registration remains unrevoked or unexpired.

(3) Each registrant hereunder may, upon registration, obtain a seal of a design authorized by the board, bearing the registrant's name, serial number, and the legend, "professional engineer" and/or "land surveyor". Plans, specifications, plats, and reports prepared by a registrant shall, when issued, be certified, signed, and stamped with the said seal or facsimile thereof. It shall be unlawful for a registrant to affix or permit his seal and signature or facsimile thereof to be affixed to any plans, specifications, plats, or reports after the expiration of a certificate or for the purpose of aiding or abetting any other person to evade or attempt to evade any provision of this act.

(4) The department shall issue to any applicant, who, in the opinion of the board, has met the requirements of this act, an enrollment card as engineer-in-training or land surveyor-in-training, which indicates that his name has been recorded as such in the board office. The engineer-in-training or land surveyor-in-training enrollment

card does not authorize the holder to practice as a professional engineer or land surveyor.

Section 9. Section 66-2340 is renumbered 66-2361, and section 66-2341 is renumbered 66-2362.

Section 10. There is a new R.C.M. section numbered 66-2363 that reads as follows:

66-2363. Public works. This state and its political subdivisions such as counties, cities, towns, townships, boroughs, or other political entities or legally constituted boards, commissions, or authorities, or officials or employees thereof shall not engage in the practice of engineering or land surveying involving either public or private property without the project being under the direct charge and supervision of a professional engineer for engineering projects, or land surveyor for all land surveying projects, as provided for the practice of the respective professions by this act.

This state and its political subdivisions such as counties, cities, towns, townships, boroughs, or other political entities or legally constituted boards, commissions, or authorities, or officials or employees thereof shall not accept plans and specifications for facilities which will have public access or use for approval unless they bear the seal of the professional engineer for engineering projects or the land surveyor for land surveying

projects, as provided for the practice of the respective professions by this act.

Section 11. Section 66-2344 is renumbered 66-2364.

Section 12. There is a new R.C.M. section numbered 66-2365 that reads as follows:

66-2365. Revocation of registration -- hearings -- reissuance of certificate. (1) The board may revoke, reprimand, suspend, or refuse to renew the certificate of a registrant found guilty of:

(a) Fraud or deceit in obtaining a certificate of registration.

(b) Gross negligence, incompetency, or misconduct in the practice of engineering or land surveying as a registered professional engineer or land surveyor.

(c) A felony.

(d) Violation of rules for professional conduct for professional engineers and land surveyors adopted by the board.

(e) If a land surveyor, failure to comply with the corner recordation act.

(2) Any person may make charges of fraud, deceit, gross negligence, incompetency, or misconduct against a registrant. The charges shall be made by affidavit, and subscribed and sworn to by the person making them, and filed with the department. Charges, unless dismissed by the board

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as unfounded or trivial, shall be heard by the board within three (3) months after the date on which they were made.

(3) The board may require a registrant to take a written or oral examination, or both, in a proceeding to revoke, reprimand, suspend, or refuse to renew.

(4) If, after hearing, four (4) or more members of the board vote in favor of sustaining the charges, the board shall reprimand, suspend, refuse to renew, or revoke the certificate of registration of the registered professional engineer or land surveyor.

The board, for reasons it considers sufficient, may reissue a certificate of registration to a person whose certificate has been revoked if four (4) or more members of the board vote in favor of the reissuance. A new certificate of registration, to replace a certificate revoked, lost, destroyed, or mutilated, may be issued by the department, subject to the rules of the board.

Section 13. Section 66-2346 is renumbered 66-2366.

Section 14. There is a new R.C.M. section numbered 66-2367 that reads as follows:

66-2367. Exemption clause. The following are exempt from coverage under this act:

(1) The practice of any other legally recognized professions or trades.

(2) The mere execution of work by a contractor, as

distinguished from its planning or design or the supervision of the construction of work as a foreman or superintendant.

Section 15. There is a new R.C.M. section numbered 66-2368 that reads as follows:

66-2368. Issuance of temporary permits. Temporary permits are governed by the following:

(1) Professional engineer. The practice or offer to practice engineering by a person not a resident of or having no established place of business in this state, provided such person is legally qualified by registration to practice engineering in his own state or country, provided the requirements for registration in his home state or country are not less than those defined in this act. Such person shall make application to the board in writing. The application must be accompanied by a fee set by the board. Upon approval by the board, they may be granted a written permit for a definite period of time not to exceed one (1) year to do a specific job, provided, however, no right to practice engineering shall accrue to such applicant with respect to any other works not set forth in said permit.

(2) Land surveyor. The practice of land surveying under a temporary permit by a person registered as a land surveyor in another state is not considered to be in the best interests of the public and, therefore, shall not be granted.

(3) Employees and subordinates. The work of an employee or a subordinate of a person holding a certificate of registration under this act, or an employee of a person practicing lawfully under subsection (1) of this section; provided such work does not include final engineering or land surveying designs or decisions and is done under the direct supervision of a person holding a certificate of registration under this act or a person practicing lawfully under subsection (1) of this section.

(4) The practice of professional engineering by licensed architects where the practice is purely incidental to their practice of architecture.

(5) The practice of professional engineering or land surveying in this state by a firm, copartnership, corporation, or joint stock association or by its members, officers, or employees on its behalf, if each person personally supervising and in direct charge of all activities of the firm, copartnership, corporation, or joint stock association which constitutes the practice, is a professional engineer or land surveyor holding a certificate of registration under this act.

Section 16. There is a new R.C.M. section numbered 66-2369 that reads as follows:

66-2369. Construction of practical engineering and practice land surveying. (1) A person shall be construed to

practice or offer to practice engineering, within the meaning and intent of this act, who practices any branch of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer, or through the use of some other title implies that he is a professional engineer or that he is registered under this act; or who holds himself out as able to perform, or who does perform any engineering service or work or any other service designated by the practitioner which is recognized as engineering.

(2) Any person shall be construed to practice or offer to practice land surveying within the meaning and intent of this act, who engages in land surveying or who by verbal claim, sign, letterhead, card, or in any other way represents himself to be a land surveyor, or through the use of some other title implies that he is a land surveyor, or who represents himself as able to perform, or who does perform any land surveying service or work, or any other service designated by the practitioner which is recognized as land surveying.

Section 17. Repealer. Sections 66-2326, 66-2336, 66-2338, 66-2339, 66-2342, 66-2343, 66-2345, and 66-2347, R.C.M. 1947, are repealed.

-End-

SB 334

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 24, 1975

The twenty-fourth meeting of the Senate State Administration Committee was called to order by Chairman Mike Greely at 8:07 a.m. on Monday, February 24, 1975 in Room 410 of the State Capitol Building.

ROLL CALL: All members were present.

CONSIDERATION OF SENATE BILL NO. 334: An act to generally revise and update laws relating to professional engineers and land surveyors.

Senator Dunkle, sponsor of the bill, stated that its purpose was to bring Montana law into compliance with National Model law. He presented some amendments for the committee's consideration. (See Exhibit A attached.)

Mr. Maurice E. Guay, Board of Professional Engineers and Land Surveyors, appeared as a proponent of Senate Bill 334. He stated that the bill would upgrade standards for licensing engineers and land surveyors, and that there has been a push for such revision for about two years now. The intent of the amendments is to clarify and take care of drafting omissions.

Mr. H. S. Hanson, Montana Technical Council, also appeared as a proponent of Senate Bill 334. There were no opponents to the bill.

CONSIDERATION OF SENATE BILL NO. 391: An act to create a state land use commission to designate areas of state concern; requiring governing bodies to plan for, and regulate development within those areas; authorizing the Department of Intergovernmental Relations to formulate planning and regulation procedures for such areas; and providing cities, towns, and counties with financial assistance to plan for and regulate such areas.

Senator Romney, sponsor of the bill, stated that this is the "Areas of State Concern Act" bill which mainly creates a State Land Use Commission.

Mr. Hal Price, Intergovernmental Relations, appeared as a proponent of Senate Bill 391. He stated that we need such a broad bill to deal with problems in areas of larger than local jurisdiction. He pointed out that House Bill 675 and Senate Bill 326 are similar types of legislation to this bill.

Mr. John Andrews, Intergovernmental Relations, also appeared as a proponent of Senate Bill 391. He testified that he had helped develop this bill, and that it emphasizes local level control. Localities must nominate and recommend areas of "state concern" before the state can enter the picture.

Exhibit A
2-24-75
Dunlap

STANDING COMMITTEE REPORT

Mr. _____

We, your committee on _____
having had under consideration SENATE Bill No. 334
respectfully report as follows. That SENATE Bill No. 334,
introduced bill, be amended as follows:

1. Amend the title, page 1, line 7.
   Following: "SECTIONS"
   Insert: "66-2324

(11)

2. Amend page 5, Section 3, line 13.
   Following: "3." section 3 section
   ~~Strike: "Section"~~
   Insert: "Section 66-2324 is renumbered 66-2349, section"

3. Amend page 15, Section 8, line 15.
   Following: "registration"
   Insert: "--seal"

4. Amend page 17, Section 9, lines 3 ~~and~~ through 4.
   Following: "66-2361"
   Strike: ", and section 66-2341 is renumbered 66-2362"

5. Amend page 17, following line 4.
   Insert: "Section 10. Section 66-2341 is renumbered 66-2362 and is amended to read as follows:
   "~~66-2341~~ 66-2362. Persons presently registered as ~~civil~~ professional engineer and/or land surveyor. No person who heretofore has been duly registered as a ~~civil~~ professional engineer and/or land surveyor under the laws of Montana and whose registration has not been revoked shall be required to register again under this act and his former registration shall be fully recognized under the provisions of this act. All certificates including those for engineer-in-training heretofore issued and not revoked shall have the same force and effect as if they had been issued under the provisions of this act, and shall be subject to the same rules, terms and conditions as are the certificates provided for in this act."'
   Renumber: All subsequent sections.

(12 & 13)

6. Amend page 20, Section 14, following line 2.
   Insert: "(3) Employees and subordinates. The work of an employee or a subordinate of a person holding a certificate of registration under this act, or an employee of a person practicing lawfully under this act; provided such work does not include final engineering or land surveying designs or decisions and is done under the direct supervision of a person holding a certificate of registration under this act or a person practicing lawfully under this act.

(4) The practice of professional engineering by licensed architects where the practice is purely incidental to their practice of architecture.

(5) The practice of professional engineering or land surveying in this state by a firm, copartnership, corporation, or joint stock association or by its members, officers, or employees on its behalf, if each person personally supervising and in direct charge of all activities of the firm, copartnership, corporation, or joint stock association which constitutes the practice, is a professional engineer or land surveyor holding a certificate of registration under this act."

7. Amend page 21, Section 15, lines 1 through 21.
   Strike: 3 In their entirety.
   3 ~ 5

8. Amend page 21, Section 16, line 24.
   Strike: "Construction"
   Insert: "Interpretation"

Following 66-2369.

9. Amend page 21, Section 16, line 24.
   Strike: "practical"
   Insert: "practice of"

Following '07

10. Amend page 21, Section 16, line 25
   Following: "practice"
   Insert: "of"

ROLL CALL

STATE ADMINISTRATION COMMITTEE

44th LEGISLATIVE SESSION - 1975

Date 2-24-75

NAME	PRESENT	ABSENT	EXCUSED
Senator Mike GREELY, Ch.	X		
Senator Terry MURPHY	X		
Senator John W. DEVINE	X		
Senator Greg JERGESON	X		
Senator Ann SEIBEL	X		
Senator Antoinette ROSELL	X		
Senator George F. ROSKIE	X		
Senator Peter STORY	X		

Each day attach to minutes

DAT Feb 24, 1975

COMMITTEE ON State Administration BILL NO. SB 334, 391

Confirmation of Appointment

VISITOR'S REGISTER

NAME	REPRESENTING	BILL NO	Check One Support	Check One Oppose
[illegible]	Mt Assn of Counties	SB 391	✓	
U.S. Hanson	Mont. Tech. Council	SB 391 SB 334	✓	
Dan K. Wagner	Mont Bank Sect	SB 391	—	
MAURICE E GUAY	Board of Prof Engr & L S	SB 334	✓	
David L Sloth	Mountain Bell	SB 334	✓	
A. T. Kersich	Board of Regis for Eng	"	✓	
William Tangen	Board of Registration Engr. LS	"	✓	
Jim Sargent	Rancher FIC	~~SB 391~~	✓	
Hal Prin	IGR	SB 391	✓	
[illegible]	EQC			
Charles E Brand	"			
Sue Witty	Flathead CSC	SB 391	✓	
[illegible]	Flathead C.S.C. (4H)	SB 391		
[illegible]	Flathead CSC 4H	SB 391	✓	
[illegible]	Highway	SB 391		
Bill Sternhagen	[illegible]	SB 391		✓

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(Please leave prepared statement with Secretary)

NAME H. S. Hanson Bill No. SB-334

ADDRESS Holiday Motel Date 2/24

WHOM DO YOU REPRESENT? Mont. Tech. Council

SUPPORT ✓ OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME MAURICE E. GWAY Bill No. SB 334

ADDRESS #5 BRIARWOOD, Missoula, Mont. 3/8/75

WHOM DO YOU REPRESENT? BOARD OF PROFESSIONAL ENGR. & LAND SURVEYORS

SUPPORT X OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 25, 1975

The twenty-fifth meeting of the Senate State Administration Committee was called to order by Chairman Mike Greely at 8:35 a.m. on Tuesday, February 25, 1975 in Room 410 of the State Capitol Building.

ROLL CALL: All members were present. Senator Jergeson and Senator Roskie were excused early.

DISPOSITION OF BILLS:

SENATE BILL NO. 391: Senator Jergeson made a motion that the committee adopt the Farm Bureau amendments to Senate Bill 391. There followed a lengthy discussion of amendments and the feasability of this bill and comparisons with Senate Bill 326 and House Bill 675. Since time was running short, Chairman Greely suggested the committee take up a few other bills and then come back to Senate Bill 391 if time permitted. Senator Jergeson then withdrew his motion.

SENATE BILL NO. 334: Senator Murphy made a motion that the committee adopt the amendments (see attached) which were presented by Senator Dunkle for Senate Bill 334. The motion carried unanimously.

Senator Murphy then made a motion that Senate Bill 334 DO PASS AS AMENDED. Motion carried unanimously.

SENATE BILL NO. 347: Senator Roskie made a motion that Senate Bill 334 DO NOT PASS. The motion carried unanimously.

SENATE BILL NO. 311: Senator Rosell made a motion that Senate Bill 311 be amended as follows:

1. Amend page 1, Section 1, line 17.
   Following: "~~30,000~~"
   Strike: "39,000"
   Insert: "33,000"

The motion carried unanimously. Senator Story then made a motion that Senate Bill 311 be amended as follows:

1. Amend page 1, Section 1, line 18.
   Following: "~~20,500~~"
   Strike: "26,000"
   Insert: "22,000"

The motion carried unanimously. Senator Rosell made a motion that Senate Bill 311 be further amended as follows:

1. Amend page 1, Section 1, line 19.
   Following: "~~20,000~~"
   Strike: "36,500"
   Insert: "30,000"

life, health or property, and including such other professional services as may be necessary to the planning, progress and completion of any engineering services.

A person shall be construed to practice or offer to practice engineering, within the meaning and intent of this act, who practices any branch of the profession of engineering, or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer, or through the use of some other title, implies that he is a professional engineer, or that he is registered under this act, or who holds himself out as able to perform, or who does perform any engineering service or work or any other service designated by the practitioner which is recognized as engineering. The term does not include the work ordinarily performed by persons who operate or maintain machinery or equipment, communication lines, signal circuits, electric power lines or pipelines.

3. Amend page 5, Section 3, line 13.
   Following: "Section 3. Section"
   Insert: "66-2324 is renumbered 66-2349, section"

4. Amend page 15, Section 8, line 15.
   Following: "registration"
   Insert: "-seal"

5. Amend page 17, Section 9, lines 3 through 4.
   Following: "66-2361"
   Strike: ", and section 66-2341 is renumbered 66-2362"

6. Amend page 17, following line 4.
   Insert: "Section 10. Section 66-2341 is renumbered 66-2362 and is amended to read as follows:

   "66-2341 66-2362. Persons presently registered as ~~civil~~ professional engineer and/or land surveyor. No person who heretofore has been duly registered as a ~~civil~~ professional engineer and/or land surveyor under the laws of Montana and whose registration has not been revoked shall be required to register again under this act and his former registration shall be fully recognized under the provisions of this act. All certificates including those for engineer-in-training heretofore issued and not revoked shall have the same force and effect as if they had been issued under the provisions of this act, and shall be subject to the same rules, terms and conditions as are the certificates provided for in this act."
   Renumber: All subsequent sections.

7. Amend page 17, Section 9, line 23.
   Strike: "facilities which will have public access or use"
   Insert: "public buildings, water systems and storage facilities, sewerage systems, waste water disposal projects, swimming pools, recreational facilities, and similar type projects which may have a direct bearing on the public health and safety"

8. Amend page 20, Section 14, line 2.
Following: "superintendant"
Insert: "or inspection of construction work by a field manager of an engineering firm or agency"

9. Amend page 20, Section 14, following line 2.
Insert: "(3) Employees and subordinates. The work of an employee or a subordinate of a person holding a certificate of registration under this act, or an employee of a person practicing lawfully under this act; provided such work does not include final engineering or land surveying designs or decisions and is done under the direct supervision of a person holding a certificate of registration under this act or a person practicing lawfully under this act.

(4) The practice of professional engineering by licensed architects where the practice is purely incidental to their practice of architecture.

(5) The practice of professional engineering or land surveying in this state by a firm, co-partnership, corporation, or joint stock association or by its members, officers, or employees on its behalf, if each person personally supervising and in direct charge of all activities of the firm, co-partnership, corporation, or joint stock association which constitutes the practice, is a professional engineer or land surveyor holding a certificate of registration under this act."

10. Amend page 21, Section 15, lines 1 through 21.
Strike: "Subsections (3) through (5) in their entirety.

11. Amend page 21, Section 16, line 24.
Following: "66-2369."
Strike: "Construction"
Insert: "Interpretation"

12. Amend page 21, Section 16, line 24.
Following: "of"
Strike: "practical"
Insert: "practice of"

13. Amend page 21, Section 16, line 25.
Following: "practice"
Insert: "of"

<u>AND AS SO AMENDED, DO PASS</u>

SENATOR MIKE GRELLY, Chairman

ROLL CALL

STATE ADMINISTRATION COMMITTEE

44th LEGISLATIVE SESSION - 1975 Date 2-25-75

NAME	PRESENT	ABSENT	EXCUSED
Senator Mike GREELY, Ch.	X		
Senator Terry MURPHY	X		
Senator John W. DEVINE	X		
Senator Greg JERGESON	X		X
Senator Ann SEIBEL	X		
Senator Antoinette ROSELL	X		
Senator George F. ROSKIE	X		X
Senator Peter STORY	X		

SENATE COMMITTEE on STATE ADMINISTRATION

Date 2-25-75 Senate Bill No. 334 Time 9:02 a.m.

NAME	YES	NO
GREELY, Mike - Chairman	X	
MURPHY, Terry - Vice Chairman	X	
DEVINE, John W.	X	
JERGESON, Greg	X	
SEIBEL, Ann	X	
ROSELL, Antoinette Fraser	X	
ROSKIE, George F.	X	
STORY, Peter	X	

Mary Ann Fisher
Secretary

Mike Greely
Chairman

Motion: By Senator Murphy that the committee adopt the amendments proposed by Senator Dunkle to Senate Bill 334 (see attached).

(include enough information on motion--put with yellow copy of committee report.)

2-24-75
Double

STANDING COMMITTEE REPORT

Mr. _____

We, your committee on _____
having had under consideration SENATE Bill No. 334
respectfully report as follows: That SENATE Bill No. 334,
introduced bill, be amended as follows:

1. Amend page 3, ~~Strike~~: Section ~~3~~ 2, page 3 lines 10 through line 1 on page 4 ~~25, and page 4 line 1~~.
Following Strike ~~[illegible]~~ "(3)"

Insert: Section 3, " Practice of engineering " means any service or creative work, the adequate performance of which requires engineering education, training, and experience, in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, planning the use of land and water, teaching of advanced engineering subjects, engineering surveys and the inspection of construction for the purpose of assuring compliance with drawings and specifications; any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects and industrial or consumer products or equipment of mechanical, electrical hydraulic, pnuematic or thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the planning, progress and completion of any engineering services.

A person shall be construed to practice or offer to practice engineering, within the meaning and intent of this Act, who practices any branch of the profession of engineering, or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a Professional Engineer, or through the use of some other title, implies that he is a Professional Engineer, or that he is registered under this Act, or who holds himself out as able to perform, or who does perform any engineering service or work or any other service designated by the pradtitioner which is recognized as engineering. The term does not include the work ordinarily performed by persons who operate or maintain machinery or equipment, communication lines signal circuits, electric power lines or pipelines.

~~Renumber All~~

STANDING COMMITTEE REPORT

Mr. _____

We, your committee on _____
having had under consideration SENATE Bill No. 334
respectfully report as follows: That SENATE Bill No. 334
introduced bill, be amended as follows:

(12.) Amend page 17 ~~line 23, Section 66-2363~~ Section 9, line 23.
Strike: "facilities which will have public access or use".
Insert: "public buildings, water systems and storage facilities, sewerage systems, waste water disposal projects, swimming pools, recreational facilities, and similar type projects which may have a direct bearing on the public health and safety"

(13.) Amend page 20, Section 14, line 22.
Insert: " or inspection of construction work by a field manager of an engineering firm or agency".

following: "superintendant"

SENATE COMMITTEE on STATE ADMINISTRATION

Date 2-25-75 Senate Bill No. 334 Time 9:03 a.m.

NAME	YES	NO
GREELY, Mike - Chairman	X	
MURPHY, Terry - Vice Chairman	X	
DEVINE, John W.	X	
JERGESON, Greg	X	
SEIBEL, Ann	X	
ROSELL, Antoinette Fraser	X	
ROSKIE, George F.	X	
STORY, Peter	X	

Mary Anne Fisher
Secretary

Mike Greely
Chairman

Motion: That Senate Bill 334 DO PASS AS AMENDED.

(include enough information on motion—put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

February 25, 19 75

MR. PRESIDENT:

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 334

Respectfully report as follows: That SENATE Bill No. 334,
introduced bill, be amended as follows:

1. Amend title, page 1, line 7.
   Following: "SECTIONS"
   Insert: "66-2324,"

2. Amend page 3, Section 2, lines 10 through line 1 on page 4.
   Following: "(3)"
   Strike: lines 10 through line 1 on page 4 in their entirety
   Insert: ""Practice of engineering" means any service or creative work, the adequate performance of which requires engineering education, training, and experience, in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, planning the use of land and water, teaching of advanced engineering subjects, engineering surveys and the inspection of construction for the purpose of assuring compliance with drawings and specifications; any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects and industrial or consumer products or equipment of mechanical, electrical hydraulic, pnuematic or thermal nature, insofar as they involve safeguarding

(Cont'd)

Chairman

STATE PUB. CO.
Helena, Mont.

Pat Melbe, Governor's Office, stated that we p [illegible] Rata System. He stated that our big problem is [illegible]

Dick Hume, Governor's Office, stated that the is [illegible] will view this as an agency or a voter. He stat[illegible] comes from the citizens pocket. He further stated [illegible] money coming into the state is the money recovered fr[illegible] costs of federal grants. He stated that they try to [illegible] of acts relating to indirect costs of federal funds.

Bill Groff also presented testimony as a proponent. (See Attached)

SB 257 - Senator Dunkle, sponsor, stated that this is a public employees bill that does several things. He then introduced Mr. Tom Schneider, Montana Public Employees Association.

Tom Schneider stated that they had drawn up plans for the betterment of the retirement system. This was amended in the Senate and it makes five basic changes. 1) Changes the formula for computing retirement from 1/65 to 1/60. 2) Reduces the number of years necessary for a "vested right" from 10 to 5 years. 3) Corrects some language in the military service allowance section to allow employees who continue to a reserve retirement to buy active duty time if it doesn't exceed 25% of the combined total active and reserve years. 4) Provides a "catch up" increase for retirees. The 'catch up' is $1 per month for each year of service plus $2 per month for each calendar year retired. This will give those who have been retired the longest the largest increases. Those are the retirees who receive the smallest checks. 5) Provides for the funding to pay for the benefits. (See attached for further testimony)

George Hammond, Montana Council 9, AFSCME, AFL-CIO, stated that this bill provides the same formula for public employees as did HB 41 for the teachers, which has already been signed by the Governor. (See attached for further testimony)

Other proponents who spoke in favor of this bill were Marian Covington and Jim Wilkins. (See testimony attached)

SB 130 - The sponsor of the bill wasn't present for testimony. Dorris Dietzen, Secretary of State's Office stated that this bill sets a fee for filing of tort claimes. She stated that their office has quite a procedure to go through for these tort claims and felt it should be paid for, and not by the taxpayers. (See attached for further testimony)

Jack Crosser was present as a proponent from the Dept. of Administration.

SB 334 - Senator Dunkle, sponsor, stated that this updated the laws pertaining to professional engineers and land surveyors. He gave an amendment to the committee to consider. (See Attached Committee Report)

Mr. Hanson, a proponent, stated that this doesn't create a new Board and it will not cost the state any money. It gives the Board more authority and ties in with HB 155 for Professional Services.

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SB 135 - The committee discussed this bill and then requested it to be put into a subcommittee. They voted and decided on a subcommittee. The members of this subcommittee will be Representative Mular, Lien and Lund.

SB 130 - Representative Mular made the motion to put this bill in the Judiciary Committee. Representative Johnston seconded the motion. This motion passed unanimously.

SB 83 - Representative Mular moved that this bill be concurred in. Representative Johnston seconded the motion. This passed unanimously. Representative Mular will carry this bill on the House floor.

SB 84 - Representative Hageman moved that this bill do pass. Representative O'Connell seconded the motion. This passed unanimously. Representative Mular will carry this on the House floor.

SB 257 - Representative O'Connell moved that this bill be concurred in. Representative Mular seconded the motion. This passed unanimously.

SB 334 - Representative Johnston moved that the amendments be concurred in that were presented by Senator Dunkle. (see attached committee report) Representative Kanduch seconded the motion. The amendments were concurred in. Representative Johnston moved that the bill be concurred in as amended. Representative Mular seconded the motion. This passed unanimously. Representative Johnston will carry this on the House floor.

With no further business, the meeting was adjourned.

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Joe Brand

Joe Brand, Chairman

lp

SENATE BILL NO. 334

INTRODUCED BY DUNKLE, HEALY

(BY REQUEST OF DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING)

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND UPDATE LAWS RELATING TO PROFESSIONAL ENGINEERS AND LAND SURVEYORS; AMENDING SECTION 82A-1602.11, R.C.M. 1947; RENUMBERING SECTIONS 66-2324, 66-2329, 66-2331, 66-2332, 66-2333, 66-2334, 66-2335, 66-2337, 66-2340, 66-2344, 66-2346, R.C.M. 1947; AND REPEALING SECTIONS 66-2326, 66-2336, 66-2338, 66-2339, 66-2342, 66-2343, 66-2345, AND 66-2347, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 82A-1602.11, R.C.M. 1947, is amended to read as follows:

"82A-1602.11. Board of professional engineers and land surveyors -- appointment -- qualifications -- removal -- term. (1) There is a board of professional engineers and land surveyors.

(2) The board consists of seven (7) members appointed by the governor. The members are:

(a) Five (5) professional engineers who have been engaged in the practice of engineering for at least twelve (12) years, and who have been in responsible charge of engineering teaching or important engineering work for at least five (5) years, ~~or responsible charge of engineering teaching~~ and registered in Montana for at least five (5) years. No more than two (2) of these members may be from the same branch of engineering.

(b) Two (2) registered and practicing land surveyors who have been engaged in the practice of land surveying for at least twelve (12) years, and who have been in responsible charge of land surveying or important land surveying work for at least five (5) years, and registered in Montana for at least five (5) years.

(3) Each member shall be a citizen of the United States, and a resident of this state. ~~Each newly appointed member shall have qualifications similar to the member whose term has expired.~~ A member ~~may not serve more than~~, after serving two (2) consecutive terms shall not be reappointed for a period of two (2) years.

(4) Each member shall serve for a term of five (5) years. The governor may remove a member for misconduct, incompetency, neglect of duty, or for any other sufficient cause."

Section 2. There is a new R.C.M. section numbered 66-2350 that reads as follows:

66-2350. Definitions. As used in this act:

REFERENCE BILL

(1) "Professional engineer" means a person who, by reason of his special knowledge and use of the mathematical, physical, and engineering sciences, and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience, is qualified to practice engineering, and who has been duly registered and licensed as a professional engineer by the board.

(2) "Engineer-in-training" means a person who complies with the requirements for education, experience, and character, and has passed an examination in the fundamental engineering subjects, as provided in this act.

(3) ~~"Practice--of--engineering"--means--any-service-or creative-work,-as-consultation,--investigation,--evaluation, and--planning--and--design--of--engineering--works-requiring knowledge-of-the--mathematical,--physical,--and--engineering sciences.---This--service-or-work,-either-public-or-private, includes:--(a)--engineering--performed--in--connection--with city,--county,-regional,-and-state-planning-and-planning-for land-and-water-use;-(b)-teaching--of--engineering--subjects; (c)--engineering--surveys-and-inspection-of-construction-for the--purpose--of--assuring--compliance--with--drawings---and specifications,---(d)--design--of--work--systems,--projects, utilities,--structures,---buildings,---machines,---equipment processes,--and-industrial-or-consumer-products-or-equipment~~

~~of--a--mechanical,--electrical,--hydraulic,--pneumatic,---or thermal--nature,--and--including-other-professional-services necessary-to-the-planning,-progress,-and-completion--of--any engineering-services.~~

"PRACTICE OF ENGINEERING" MEANS ANY SERVICE OR CREATIVE WORK, THE ADEQUATE PERFORMANCE OF WHICH REQUIRES ENGINEERING EDUCATION, TRAINING, AND EXPERIENCE, IN THE APPLICATION OF SPECIAL KNOWLEDGE OF THE MATHEMATICAL, PHYSICAL, AND ENGINEERING SCIENCES TO SUCH SERVICES OR CREATIVE WORK AS CONSULTATION, INVESTIGATION, EVALUATION, PLANNING AND DESIGN OF ENGINEERING WORKS AND SYSTEMS, PLANNING THE USE OF ~~LAND AND~~ WATER, TEACHING OF ADVANCED ENGINEERING SUBJECTS, ENGINEERING SURVEYS AND THE INSPECTION OF CONSTRUCTION FOR THE PURPOSE OF ASSURING COMPLIANCE WITH DRAWINGS AND SPECIFICATIONS; ANY OF WHICH EMBRACES SUCH SERVICES OR WORK, EITHER PUBLIC OR PRIVATE, IN CONNECTION WITH ANY UTILITIES, STRUCTURES, BUILDINGS, MACHINES, EQUIPMENT, PROCESSES, WORK SYSTEMS, PROJECTS AND INDUSTRIAL OR CONSUMER PRODUCTS OR EQUIPMENT OF MECHANICAL, ELECTRICAL, HYDRAULIC, PNEUMATIC OR THERMAL NATURE, INSOFAR AS THEY INVOLVE SAFEGUARDING LIFE, HEALTH OR PROPERTY, AND INCLUDING SUCH OTHER PROFESSIONAL SERVICES AS MAY BE NECESSARY TO THE PLANNING, PROGRESS AND COMPLETION OF ANY ENGINEERING SERVICES.

A PERSON SHALL BE CONSTRUED TO PRACTICE OR OFFER TO PRACTICE ENGINEERING, WITHIN THE MEANING AND INTENT OF THIS

ACT, WHO PRACTICES ANY BRANCH OF THE PROFESSION OF ENGINEERING, OR WHO, BY VERBAL CLAIM, SIGN, ADVERTISEMENT, LETTERHEAD, CARD, OR IN ANY OTHER WAY REPRESENTS HIMSELF TO BE A PROFESSIONAL ENGINEER, OR THROUGH THE USE OF SOME OTHER TITLE, IMPLIES THAT HE IS A PROFESSIONAL ENGINEER, OR THAT HE IS REGISTERED UNDER THIS ACT, OR WHO HOLDS HIMSELF OUT AS ABLE TO PERFORM, OR WHO DOES PERFORM ANY ENGINEERING SERVICE OR WORK OR ANY OTHER SERVICE DESIGNATED BY THE PRACTITIONER WHICH IS RECOGNIZED AS ENGINEERING. THE TERM DOES NOT INCLUDE THE WORK ORDINARILY PERFORMED BY PERSONS WHO OPERATE OR MAINTAIN MACHINERY OR EQUIPMENT, COMMUNICATION LINES, SIGNAL CIRCUITS, ELECTRIC POWER LINES OR PIPELINES.

(4) "Land surveyor" means a person who (a) has been duly registered and licensed as a land surveyor by the board and (b) is a professional specialist in the technique of measuring land, educated in the basic principles of mathematics, related physical and applied sciences, and relevant requirements of law for adequate evidence and all requisite to the surveying of real property and engaged in the practice of land surveying as herein defined.

(5) "Land surveyor-in-training" means a person who has qualified for, taken, and passed an examination on the basic disciplines of land surveying as provided in this act.

(6) "Practice of land surveying" means any service or work, the adequate performance of which requires the

application of knowledge of the principles of mathematics, physical sciences, applied sciences and

(a) the principles of property boundary law to the recovery and preservation of evidence pertaining to earlier land surveys;

(b) teaching of land surveying subjects;

(c) measurement and allocation of lines, angles, and elevations;

(d) location of natural and man-made features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water, including such work for the determination of areas and volumes;

(e) monumenting of property boundaries;

(f) platting and layout of lands and the subdivisions thereof, including the alignment and grades of streets and roads therein; and

(g) preparation and perpetuation of maps, plats, field note records, and property descriptions.

(7) "Board" means the board of professional engineers and land surveyors.

(8) "Department" means the department of professional and occupational licensing.

(9) "Responsible charge" means direct control and personal supervision, either of engineering work or of land surveying, as the case may be. Only professional engineers

(1) "Professional engineer" means a person who, by reason of his special knowledge and use of the mathematical, physical, and engineering sciences, and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience, is qualified to practice engineering, and who has been duly registered and licensed as a professional engineer by the board.

(2) "Engineer-in-training" means a person who complies with the requirements for education, experience, and character, and has passed an examination in the fundamental engineering subjects, as provided in this act.

(3) ~~"Practice--of--engineering"--means--any-service-or creative-work,-as-consultation,--investigation,--evaluation, and--planning--and--design--of--engineering--works-requiring knowledge-of-the--mathematical,--physical,--and--engineering sciences.---This--service-or-work,-either-public-or-private, includes:--(a)--engineering--performed--in--connection--with city,--county,-regional,-and-state-planning-and-planning-for land-and-water-use;-(b)-teaching--of--engineering--subjects; (c)--engineering--surveys-and-inspection-of-construction-for the--purpose--of--assuring--compliance--with--drawings---and specifications;---(d)--design--of--work--systems,--projects, utilities,--structures,---buildings,---machines,---equipment processes,--and-industrial-or-consumer-products-or-equipment~~

~~of--a--mechanical,--electrical,--hydraulic,--pneumatic,---or thermal--nature,--and--including-other-professional-services necessary-to-the-planning,-progress,-and-completion--of--any engineering-services.~~

"PRACTICE OF ENGINEERING" MEANS ANY SERVICE OR CREATIVE WORK, THE ADEQUATE PERFORMANCE OF WHICH REQUIRES ENGINEERING EDUCATION, TRAINING, AND EXPERIENCE, IN THE APPLICATION OF SPECIAL KNOWLEDGE OF THE MATHEMATICAL, PHYSICAL, AND ENGINEERING SCIENCES TO SUCH SERVICES OR CREATIVE WORK AS CONSULTATION, INVESTIGATION, EVALUATION, PLANNING AND DESIGN OF ENGINEERING WORKS AND SYSTEMS, PLANNING THE USE OF ~~LAND AND~~ WATER, TEACHING OF ADVANCED ENGINEERING SUBJECTS, ENGINEERING SURVEYS AND THE INSPECTION OF CONSTRUCTION FOR THE PURPOSE OF ASSURING COMPLIANCE WITH DRAWINGS AND SPECIFICATIONS; ANY OF WHICH EMBRACES SUCH SERVICES OR WORK, EITHER PUBLIC OR PRIVATE, IN CONNECTION WITH ANY UTILITIES, STRUCTURES, BUILDINGS, MACHINES, EQUIPMENT, PROCESSES, WORK SYSTEMS, PROJECTS AND INDUSTRIAL OR CONSUMER PRODUCTS OR EQUIPMENT OF MECHANICAL, ELECTRICAL, HYDRAULIC, PNEUMATIC OR THERMAL NATURE, INSOFAR AS THEY INVOLVE SAFEGUARDING LIFE, HEALTH OR PROPERTY, AND INCLUDING SUCH OTHER PROFESSIONAL SERVICES AS MAY BE NECESSARY TO THE PLANNING, PROGRESS AND COMPLETION OF ANY ENGINEERING SERVICES.

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ACT, WHO PRACTICES ANY BRANCH OF THE PROFESSION OF ENGINEERING, OR WHO, BY VERBAL CLAIM, SIGN, ADVERTISEMENT, LETTERHEAD, CARD, OR IN ANY OTHER WAY REPRESENTS HIMSELF TO BE A PROFESSIONAL ENGINEER, OR THROUGH THE USE OF SOME OTHER TITLE, IMPLIES THAT HE IS A PROFESSIONAL ENGINEER, OR THAT HE IS REGISTERED UNDER THIS ACT, OR WHO HOLDS HIMSELF OUT AS ABLE TO PERFORM, OR WHO DOES PERFORM ANY ENGINEERING SERVICE OR WORK OR ANY OTHER SERVICE DESIGNATED BY THE PRACTITIONER WHICH IS RECOGNIZED AS ENGINEERING. THE TERM DOES NOT INCLUDE THE WORK ORDINARILY PERFORMED BY PERSONS WHO OPERATE OR MAINTAIN MACHINERY OR EQUIPMENT, COMMUNICATION LINES, SIGNAL CIRCUITS, ELECTRIC POWER LINES OR PIPELINES.

(4) "Land surveyor" means a person who (a) has been duly registered and licensed as a land surveyor by the board and (b) is a professional specialist in the technique of measuring land, educated in the basic principles of mathematics, related physical and applied sciences, and relevant requirements of law for adequate evidence and all requisite to the surveying of real property and engaged in the practice of land surveying as herein defined.

(5) "Land surveyor-in-training" means a person who has qualified for, taken, and passed an examination on the basic disciplines of land surveying as provided in this act.

(6) "Practice of land surveying" means any service or work, the adequate performance of which requires the

application of knowledge of the principles of mathematics, physical sciences, applied sciences and

(a) the principles of property boundary law to the recovery and preservation of evidence pertaining to earlier land surveys;

(b) teaching of land surveying subjects;

(c) measurement and allocation of lines, angles, and elevations;

(d) location of natural and man-made features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water, including such work for the determination of areas and volumes;

(e) monumenting of property boundaries;

(f) platting and layout of lands and the subdivisions thereof, including the alignment and grades of streets and roads therein; and

(g) preparation and perpetuation of maps, plats, field note records, and property descriptions.

(7) "Board" means the board of professional engineers and land surveyors.

(8) "Department" means the department of professional and occupational licensing.

(9) "Responsible charge" means direct control and personal supervision, either of engineering work or of land surveying, as the case may be. Only professional engineers

or land surveyors may legally assume responsible charge under this act.

Section 3. Section 66-2324 IS RENUMBERED 66-2349, SECTION 66-2329 is renumbered 66-2351, section 66-2331 is renumbered 66-2352, section 66-2332 is renumbered 66-2353, section 66-2333 is renumbered 66-2354, and section 66-2334 is renumbered 66-2355.

Section 4. Section 66-2335, R.C.M. 1947, is renumbered 66-2356, and is amended to read as follows:

"~~66-2335~~ 66-2356. Roster. A roster showing the names and ~~places of business~~ addresses of registered professional engineers and registered land surveyors shall be published by the department during the month of April each year. Copies of this roster shall be mailed to each person registered, placed on file with the secretary of state, the clerk of each incorporated city and town and in the office of each county clerk and recorder within the state, and furnished to the public on request."

Section 5. There is a new R.C.M. section numbered 66-2357 that reads as follows:

66-2357. Requirements for registration. The requirements for engineering and land surveying registration are:

(1) Engineering. To be eligible for admission to examination for professional engineer or

engineer-in-training, an applicant must be of good character and reputation and submit five (5) references with his application for registration as a professional engineer, three (3) references shall be professional engineers with personal knowledge of his engineering experience, or in the case of an application for certification as an engineer-in-training, by three (3) character references.

The following is considered minimum evidence satisfactory to the board that the applicant is qualified for registration as a professional engineer, or for certification as an engineer-in-training respectively.

(a) As a professional engineer:

(i) Registration by endorsement. A person holding a certificate of registration to engage in the practice of engineering, issued to him by a proper authority of a state, territory, or possession of the United States, the District of Columbia, or any foreign country, based on requirements that do not conflict with the provision of the act and were of a standard not lower than that specified in the applicable registration act in effect in this state at the time the certificate was issued, may, upon application, be registered without further examination.

A person holding a certificate of qualification issued by the committee on national engineering certification of the national council of engineering examiners, whose

qualifications meet the requirements of this act, may upon application, be registered without further examination.

(ii) Engineering -- graduation -- experience -- examination. A graduate of an engineering curriculum of four (4) years or more approved by the board as being of satisfactory standing, and with a specific record of an additional four (4) years or more of progressive experience on engineering projects of a grade and character which indicates to the board that the applicant may be competent to practice engineering, shall be admitted to an eight-hour written examination in the fundamentals of engineering, and an eight-hour written examination in the principles and practices of engineering. Upon passing such examinations, the applicant shall be granted a certificate of registration to practice engineering in this state, provided he is otherwise qualified.

(iii) Engineering-related graduation -- experience -- examination. A graduate of an engineering or related science curriculum of four (4) years or more, other than the ones approved by the board as being of satisfactory standing and with a specific record of eight (8) years or more of progressive experience on engineering projects of a grade and character which indicates to the board that the applicant may be competent to practice engineering, may be admitted to an eight-hour written examination in the

fundamentals of engineering, and an eight-hour written examination in the principles and practices of engineering. Upon passing such examinations, the applicant shall be granted a certificate of registration to practice engineering in this state, provided he is otherwise qualified.

(iv) Long established practice. A graduate of an engineering or related science curriculum of four (4) years or more, with a specific record of twenty (20) years or more of progressive experience on engineering projects of which at least ten (10) years have been in charge of important engineering projects, and of a grade and character which indicates to the board that the applicant may be competent to practice engineering, shall be admitted to an eight-hour written examination in the principles and practices of engineering. Upon passing such examination, the applicant shall be granted a certificate of registration to practice engineering in this state, provided he is otherwise qualified.

(v) Temporary qualifications. A specific record of eight (8) years or more experience in engineering work of a character satisfactory to the board, and successfully passing a written or written and oral examination designated to show that the applicant is competent to practice engineering. This requirement will automatically expire

four (4) years from the effective date of this act.

(vi) Engineering teaching in a college or university offering an approved engineering curriculum of four (4) years or more, may be considered as engineering experience in these requirements provided research, product development, or consulting has been a concurrent activity.

(b) As an engineer-in-training. The following shall be considered as minimum evidence that the applicant is qualified for certification as an engineer-in-training:

(i) Graduation and examination. A graduate of an engineering curriculum of four (4) years or more, approved by the board as being of satisfactory standing, shall be admitted to an eight-hour written examination in the fundamentals of engineering. Upon passing such examination, the applicant shall be certified or enrolled as an engineer-in-training if he is otherwise qualified.

(ii) Graduation -- experience -- examination. A graduate of an engineering or related science curriculum of four (4) years or more, other than the ones approved by the board as being satisfactory standing, and with a specific record of four (4) or more years of progressive experience on engineering projects of a grade and character, satisfactory to the board, shall be admitted to an eight-hour written examination in the fundamentals of engineering. Upon passing such examination, the applicant

shall be certified or enrolled as an engineer-in-training, if he is otherwise qualified.

(2) Land surveying. To be eligible for admission to examination for land surveyor or land surveyor-in-training, an applicant must be of good character and reputation and shall submit five (5) references with his application for registration as a land surveyor, three (3) of which references shall be registered land surveyors having personal knowledge of his land surveying experience; or in the case of an application for certification as a land surveyor-in-training, by three (3) references, one of whom shall be a registered land surveyor having personal knowledge of the applicant's land surveying experience.

The evaluation of a land surveyor applicant's qualifications involves a consideration of his education, technical, and land surveying experience, exhibits of land surveying projects of which he has been in charge, recommendations by references, and a reviewing of these categories. An interview may be held at the board's discretion. Educational credit for institute courses, correspondence courses, etc., shall be determined by the board.

One of the following shall be considered as minimum evidence to the board that the applicant is qualified for registration as a land surveyor, or for certification as a

land surveyor-in-training, respectively:

(a) As a land surveyor:

(i) Graduation -- experience -- examination. Have a bachelor of science degree in an approved curriculum and present evidence satisfactory to the board that, in addition thereto, he has had at least four (4) years of combined office and field experience in land surveying with a minimum of three (3) years of experience in charge of land surveying projects under the supervision of a registered land surveyor and who has passed the examinations as required by the board.

(ii) Formal education -- experience -- examination. Two (2) years of formal education in an approved curriculum above high school level with at least ninety (90) quarter credit hours passed, or equivalent semester hours, or the equivalent approved by the board, and present evidence satisfactory to the board that in addition thereto, he has had at least six (6) years of combined office and field experience in land surveying with a minimum of four (4) years of experience in charge of land surveying projects under the supervision of a registered land surveyor and who has passed the examinations as required by the board.

(iii) Registration by comity or endorsement. A person holding a certificate of registration to engage in the practice of land surveying issued or comparable

qualifications from a state, territory, or possession of the United States, will be given comity consideration. However, he may be asked to take such examinations as the board deems necessary to determine his qualifications, but in any event, he shall be required to pass a written examination of not less than eight-hours duration, which shall include questions on laws, procedures, and practices pertaining to the practice of land surveying in this state.

(iv) Temporary qualifications. A specific record of six (6) years or more experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying, and successfully passing a written, or written and oral examination in land surveying prescribed by the board. This requirement will automatically expire two (2) years from the effective date of this act.

(b) As a land surveyor-in-training:

(i) Graduation -- experience -- examination. Have a bachelor of science degree in an approved curriculum and present evidence satisfactory to the board that he has had, in addition thereto, at least two (2) years of combined office and field experience in land surveying with a minimum of one (1) year in charge of land surveying projects under the supervision of a land surveyor, and who has passed the written examinations required by the board.

(ii) Formal education -- experience -- examination. Have at least two (2) years of formal education in an approved curriculum above high school level with at least ninety (90) quarter credit hours passed, or equivalent semester hours or the equivalent approved by the board, and present evidence satisfactory to the board that in addition thereto, he has had at least four (4) years of combined office and field experience in land surveying with a minimum of two (2) years in charge of land surveying projects under the supervision of a land surveyor, and who has passed the written examinations required by the board.

Section 6. Section 66-2337 is renumbered 66-2358.

Section 7. There is a new R.C.M. section numbered 66-2359 that reads as follows:

66-2359. Examinations. Examination requirements are as follows:

(1) The examinations shall be held at times and places as the board directs. The board shall determine the acceptable grade on examinations.

(2) Written examinations may be taken only after the applicant has met the other minimum requirements as given in section 66-2357 and has been approved by the board for admission to the examinations as follows:

(a) Engineering fundamentals. Consists of an eight-hour examination on the fundamentals of engineering.

Passing the examination qualifies the examinee for an engineer-in-training certificate, provided he has met all other requirements for certification required by this act.

(b) Principles -- practice of engineering. Consists of an eight-hour examination on applied engineering. Passing this examination qualifies the examinee for registration as a professional engineer, provided he has met the other requirements for registration required by this act.

(c) Land surveyor-in-training. Consists of two (2) four-hour examinations designated as parts I and II, on the basic disciplines of land surveying. Passing these examinations qualifies the examinee for a land surveyor-in-training certificate, provided he has met all other requirements for certificates required by this act.

(d) Land surveyor. Consists of being a land surveyor-in-training and of two (2) four-hour examinations designated as parts III and IV, on the applied disciplines of land surveying. Passing these examinations qualifies the examinee for registration as a land surveyor, provided he has met the other requirements for registration required by this act.

(3) A candidate failing one examination may apply for reexamination, which may be granted upon payment of a fee established by the board. Before readmission to the

examination in the event of a second failure, the examinee must appear before the board with evidence of having acquired the necessary additional knowledge to qualify.

Section 8. There is a new R.C.M. section numbered 66-2360 that reads as follows:

66-2360. Certificates of registration--SEAL. (1) The department shall issue to any applicant, who, in the opinion of the board, has met the requirements of this act, a certificate of registration giving the registrant proper authority to practice his profession and to assume responsible charge of engineering or land surveying projects in this state. The certificate of registration for a professional engineer shall carry the designation "professional engineer", and for a land surveyor, "land surveyor". It shall give the full name of the registrant with his serial number and shall be signed by the chairman and the secretary under the seal of the board.

(2) This certificate shall be prima facie evidence that the person named thereon is entitled to all rights, privileges, and responsibilities of a professional engineer or land surveyor, while the said certificate of registration remains unrevoked or unexpired.

(3) Each registrant hereunder may, upon registration, obtain a seal of a design authorized by the board, bearing the registrant's name, serial number, and the legend,

"professional engineer" and/or "land surveyor". Plans, specifications, plats, and reports prepared by a registrant shall, when issued, be certified, signed, and stamped with the said seal or facsimile thereof. It shall be unlawful for a registrant to affix or permit his seal and signature or facsimile thereof to be affixed to any plans, specifications, plats, or reports after the expiration of a certificate or for the purpose of aiding or abetting any other person to evade or attempt to evade any provision of this act.

(4) The department shall issue to any applicant, who, in the opinion of the board, has met the requirements of this act, an enrollment card as engineer-in-training or land surveyor-in-training, which indicates that his name has been recorded as such in the board office. The engineer-in-training or land surveyor-in-training enrollment card does not authorize the holder to practice as a professional engineer or land surveyor.

Section 9. Section 66-2340 is renumbered 66-2361~~, and section 66-2341 is renumbered 66-2362~~.

SECTION 10. SECTION 66-2341, R.C.M. 1947, IS RENUMBERED 66-2362, AND IS AMENDED TO READ AS FOLLOWS:

"~~66-2341~~ 66-2362. Persons presently registered as ~~civil~~ professional engineer and/or land surveyor. No person who heretofore has been duly registered as a ~~civil~~

professional engineer and/or land surveyor under the laws of Montana and whose registration has not been revoked shall be required to register again under this act, and his former registration shall be fully recognized under the provisions of this act. All certificates including those for engineer-in-training heretofore issued and not revoked shall have the same force and effect as if they had been issued under the provisions of this act, and shall be subject to the same rules, terms and conditions as are the certificates provided for in this act."

Section 11. There is a new R.C.M. section numbered 66-2363 that reads as follows:

66-2363. Public works. This state and its political subdivisions such as counties, cities, towns, townships, boroughs, or other political entities or legally constituted boards, commissions, or authorities, or officials or employees thereof shall not engage in the practice of engineering or land surveying involving either public or private property without the project being under the direct charge and supervision of a professional engineer for engineering projects, or land surveyor for all land surveying projects, as provided for the practice of the respective professions by this act.

This state and its political subdivisions such as counties, cities, towns, townships, boroughs, or other

political entities or legally constituted boards, commissions, or authorities, or officials or employees thereof shall not accept plans and specifications for ~~facilities which will have public access or use~~ PUBLIC BUILDINGS, WATER SYSTEMS AND STORAGE FACILITIES, SEWERAGE SYSTEMS, WASTE WATER DISPOSAL PROJECTS, SWIMMING POOLS, RECREATIONAL FACILITIES, AND SIMILAR TYPE PROJECTS WHICH MAY HAVE A DIRECT BEARING ON THE PUBLIC HEALTH AND SAFETY for approval unless they bear the seal of the professional engineer for engineering projects or the land surveyor for land surveying projects, OR LICENSED ARCHITECT FOR ARCHITECTURAL PROJECTS, as provided for the practice of the respective professions by this act.

Section 12. Section 66-2344 is renumbered 66-2364.

Section 13. There is a new R.C.M. section numbered 66-2365 that reads as follows:

66-2365. Revocation of registration -- hearings -- reissuance of certificate. (1) The board may revoke, reprimand, suspend, or refuse to renew the certificate of a registrant found guilty of:

(a) Fraud or deceit in obtaining a certificate of registration.

(b) Gross negligence, incompetency, or misconduct in the practice of engineering or land surveying as a registered professional engineer or land surveyor.

(c) A felony.

(d) Violation of rules for professional conduct for professional engineers and land surveyors adopted by the board.

(e) If a land surveyor, failure to comply with the Corner Recordation Act.

(2) Any person may make charges of fraud, deceit, gross negligence, incompetency, or misconduct against a registrant. The charges shall be made by affidavit, and subscribed and sworn to by the person making them, and filed with the department. Charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within three (3) months after the date on which they were made.

(3) The board may require a registrant to take a written or oral examination, or both, in a proceeding to revoke, reprimand, suspend, or refuse to renew.

(4) If, after hearing, four (4) or more members of the board vote in favor of sustaining the charges, the board shall reprimand, suspend, refuse to renew, or revoke the certificate of registration of the registered professional engineer or land surveyor.

The board, for reasons it considers sufficient, may reissue a certificate of registration to a person whose certificate has been revoked if four (4) or more members of the board vote in favor of the reissuance. A new

certificate of registration, to replace a certificate revoked, lost, destroyed, or mutilated, may be issued by the department, subject to the rules of the board.

Section 14. Section 66-2346 is renumbered 66-2366.

Section 15. There is a new R.C.M. section numbered 66-2367 that reads as follows:

66-2367. Exemption clause. The following are exempt from coverage under this act:

(1) The practice of any other legally recognized professions or trades.

(2) The mere execution of work by a contractor, as distinguished from its planning or design or the supervision of the construction of work as a foreman or superintendent. ~~OR--INSPECTION-OF-CONSTRUCTION-WORK-BY-A-FIELD-MANAGER-OF-AN ENGINEERING-FIRM-OR-AGENCY.~~

(3) EMPLOYEES AND SUBORDINATES. THE WORK OF AN EMPLOYEE OR A SUBORDINATE OF A PERSON HOLDING A CERTIFICATE OF REGISTRATION UNDER THIS ACT, OR AN EMPLOYEE OF A PERSON PRACTICING LAWFULLY UNDER THIS ACT; PROVIDED SUCH WORK DOES NOT INCLUDE FINAL ENGINEERING OR LAND SURVEYING DESIGNS OR DECISIONS AND IS DONE UNDER THE DIRECT SUPERVISION OF A PERSON HOLDING A CERTIFICATE OF REGISTRATION UNDER THIS ACT OR A PERSON PRACTICING LAWFULLY UNDER THIS ACT.

(4) THE PRACTICE OF PROFESSIONAL ENGINEERING BY LICENSED ARCHITECTS WHERE THE PRACTICE IS PURELY INCIDENTAL

TO THEIR PRACTICE OF ARCHITECTURE.

(5) THE PRACTICE OF PROFESSIONAL ENGINEERING OR LAND SURVEYING IN THIS STATE BY A FIRM, CO-PARTNERSHIP, CORPORATION, OR JOINT STOCK ASSOCIATION OR BY ITS MEMBERS, OFFICERS, OR EMPLOYEES ON ITS BEHALF, IF EACH PERSON PERSONALLY SUPERVISING AND IN DIRECT CHARGE OF ALL ACTIVITIES OF THE FIRM, COPARTNERSHIP, CORPORATION, OR JOINT-STOCK ASSOCIATION WHICH CONSTITUTES THE PRACTICE, IS A PROFESSIONAL ENGINEER OR LAND SURVEYOR HOLDING A CERTIFICATE OF REGISTRATION UNDER THIS ACT.

Section 16. There is a new R.C.M. section numbered 66-2368 that reads as follows:

66-2368. Issuance of temporary permits. Temporary permits are governed by the following:

(1) Professional engineer. The practice or offer to practice engineering by a person not a resident of or having no established place of business in this state, provided such person is legally qualified by registration to practice engineering in his own state or country, provided the requirements for registration in his home state or country are not less than those defined in this act. Such person shall make application to the board in writing. The application must be accompanied by a fee set by the board. Upon approval by the board, they may be granted a written permit for a definite period of time not to exceed one (1)

year to do a specific job, provided, however, no right to practice engineering shall accrue to such applicant with respect to any other works not set forth in said permit.

(2) Land surveyor. The practice of land surveying under a temporary permit by a person registered as a land surveyor in another state is not considered to be in the best interests of the public and, therefore, shall not be granted.

~~(3)--Employees--and--subordinates.---The--work--of---an employee--or-a-subordinate-of-a-person-holding-a-certificate of-registration-under-this-act,-or-an-employee-of--a--person practicing--lawfully--under--subsection-(1)-of-this-section, provided-such-work-does-not--include--final--engineering--or land--surveying--designs--or-decisions-and-is-done-under-the direct-supervision-of-a--person--holding--a--certificate--of registration--under-this-act-or-a-person-practicing-lawfully under-subsection-(1)-of-this-section.~~

~~(4)--The--practice--of--professional---engineering---by licensed--architects-where-the-practice-is-purely-incidental to-their-practice-of-architecture.~~

~~(5)--The-practice-of-professional-engineering--or--land surveying---in---this---state---by--a--firm,--copartnership, corporation,-or-joint-stock-association-or-by--its--members, officers,--or--employees--on--its--behalf,--if--each--person personally--supervising--and--in--direct---charge---of---all~~

~~activities-of-the-firm,-copartnership,-corporation,-or-joint stock--association--which--constitutes--the--practice,--is-a professional-engineer-or-land-surveyor-holding-a-certificate of-registration-under-this-act.~~

Section 17. There is a new R.C.M. section numbered 66-2369 that reads as follows:

66-2369. ~~Construction~~ INTERPRETATION of ~~practical~~ PRACTICE OF engineering and practice OF land surveying. (1) A person shall be construed to practice or offer to practice engineering, within the meaning and intent of this act, who practices any branch of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer, or through the use of some other title implies that he is a professional engineer or that he is registered under this act; or who holds himself out as able to perform, or who does perform any engineering service or work or any other service designated by the practitioner which is recognized as engineering.

(2) Any person shall be construed to practice or offer to practice land surveying within the meaning and intent of this act, who engages in land surveying or who by verbal claim, sign, letterhead, card, or in any other way represents himself to be a land surveyor, or through the use of some other title implies that he is a land surveyor, or

who represents himself as able to perform, or who does perform any land surveying service or work, or any other service designated by the practitioner which is recognized as land surveying.

Section 18. Repealer. Sections 66-2326, 66-2336, 66-2338, 66-2339, 66-2342, 66-2343, 66-2345, and 66-2347, R.C.M. 1947, are repealed.

-End-